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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,441	02/19/2002	Yoshiyuki Batori	1232-4823	9185

27123 7590 09/03/2004
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

MASINICK, MICHAEL D

ART UNIT PAPER NUMBER

2125

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/079,441	Applicant(s) BATORI ET AL.	
	Examiner Michael D Masinick	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-27 and 37-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicants amendments have been considered, but are not found to be persuasive. As a whole, the claims in this case are written in a very confusing and vague manner. Examiner has interpreted them broadly, and they can still be clearly read upon by the autoCAD reference manuals made part of the case by IDS.

If the current application provides a novel feature beyond that of the standard autoCAD 3D modeling and viewing software, applicant is advised to discuss these features in comparison to autoCAD in a response to this office action.

Claim Objections

1. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the means to perform the method

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steps (i.e. a computer). As currently claimed, Claims 14 and 28 could be performed using a pencil and paper or in the mind of a user, which is not how the invention is taught in the specification. All claims depending from claims 14 and 28 inherent above rejection through dependency.

Claims 21 recites the limitation "said attribution information". There is insufficient antecedent basis for this limitation in the claim.

3. Claims 37-39 recite the limitation "in response to designating the virtual plane". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14, 21, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by "AutoCAD 2000 – 3D Modeling, a Visual Approach" by John Wilson.

3. Referring to claim 14, 21, 28-36, Wilson shows an information processing apparatus comprising: attribution allocation plane setting means for setting a virtual plane with which attribution information on a 3D plane is correlated (Layers, Section View); and display control means for controlling the display of the 3D model and the virtual plane in the same virtual 3D space from a view point on a visual line which is different from a normal line of the virtual plane. Examiner reads this last claim element to mean that some characters are input in a normal

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plane, and then displayed from a different angle than the original angle in which they were entered. Examiner notes that this is the entire purpose of an autoCAD drawing and the autoCAD software package as a whole.

4. Referring to claims 15, 16, 22, and 23, Wilson shows attribution information allocation means for allocating said attribution information in the normal direction of a virtual plane set by said attribution allocation plane setting means. Examiner notes that this means “using a layer” and assigning attributes to a specific layer. This is well known in as an AutoCAD function.

5. Referring to claims 17 and 24, Wilson shows display method setting means for setting at least one of a display information set, a display magnification, a display center and a display direction (Figure 6.18), storage means for storing, on said virtual plane set by said attribution allocation plane setting means, said display method information set by said display method setting means (“Dimensions in model space” paragraph on the page following page 459).

6. Referring to claims 18 and 25, Wilson shows holding means for holding, together with said 3D model, said virtual plane set by said attribution allocation plane setting means and said display method information set by said display method setting means. Examiner notes that this means “using a layer” and assigning attributes to a specific layer. This is well known in as an AutoCAD function. Examiner also notes at the language of this claim is confusing and may be misinterpreted.

7. Referring to claims 37-39, Wilson shows wherein said display control means controls the display of the virtual plane on the condition that the normal line of the virtual plane coincides with the visual line, in response to designating the virtual plane (Page 434, viewpoints).

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8. Referring to claims 40-42, Wilson shows direction setting step of setting a direction to determine a display condition of characters of attribution information on the 3D model to be inputted by input means, in a virtual 3D space where a 3D model is displayed; attribution information setting step of storing the attribution information on the 3D model input by the input means, correlated with the set direction; and display control set of displaying the characters of the attribution information on the 3D model in correct position for the set direction, from a view point on a visual line which is different from the set direction (Page 434, viewpoints).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 19, 20, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over "AutoCAD 2000 – 3D Modeling, a Visual Approach" by John Wilson as shown above and further in view of "AutoCAD 2000: The complete reference" by David Cohn.

11. Referring to claims 19 and 26, Wilson does not specifically show attribution information size setting means for, based on said display magnification for said display method information set by said display method setting means, setting the size of said attribution information base.

12. Cohn shows attribution information size setting means for, based on said display magnification for said display method information set by said display method setting means,

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setting the size of said attribution information base (Examiner notes that this is an inherent feature to any graphics program. When you zoom in, the features get bigger.).

13. It would have been obvious to one of ordinary skill at the time the invention was made to use the basic AutoCAD information as shown in Cohn in the 3D modeling of Wilson because the parts shown in Cohn are simply pieces of the software of Wilson that are of such basic skill level that they are not shown in the reference. Examiners notes that all pieces of the Cohn reference are also found in the Wilson reference because it is the very same software program.

14. Examiner also notes that all claim limitations of claim 19 are moot because the "display magnification" limitation of claim 17 may not be selected.

15. Referring to claim 20 and 27, Cohn shows a display coordinate axis setting means for setting the horizontal or perpendicular direction on a display; and display means for displaying said 3D model or said attribution information based on information set by said display coordinate axis setting means (Figure 19.1).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and to the state of the art at the time of invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D Masinick whose telephone number is (703) 305-7738. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

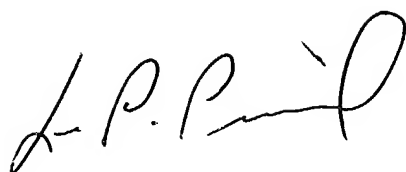
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A handwritten signature in black ink, appearing to read "L. P. Picard". The signature is fluid and cursive, with a large loop at the end of the last name.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100